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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,614	01/20/2000	Evgeniy M. Getsin	IACTP015	4713
22242	7590	03/29/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/488,614	GETSIN ET AL.	
	Examiner	Art Unit	
	Johnny Ma	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 January 2000.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 January 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 5.6.11.12.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "908"; page 32, line 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "135" of Figure 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US 5,808,662) in further view of McPherson et al. (US 6,591,420 B1) and Swix et al. (US 6,609,253 B1).

As to claim 1, note the Kinney et al. reference discloses the synchronized, interactive playback of digital movies across a network. The claimed “creating a loop at the start time during which a lapsed time of the event is tracked” is met by “Transport control logic 179 allows a participant to control the actions of a movie. Specific actions that the participant can initiate are, for example, normal playback, stop, fast and slow reverse, fast and slow forward, and seek.” (Kinney et al. 4:41-45) where tracking the lapsed time of the event is inherent to the indexing for user actions. The claimed determining “a start time when an event is to start” is met by the sending of playback control data corresponding to a playback function to command synchronized playback of all playback systems (Kinney et al. 2:20-25). Also note, the Kinney et al. reference discloses “...present invention initially transfers movie data to each one of the computer-controlled playback systems. Next, one of the participants interactively requests a playback function selected from a group...Finally, the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data” (Kinney et al. 2:15-25). However, the Kinney et al. reference is silent as to determining a current time and start time. Now note, the McPherson et al. reference discloses the use of a release date to inhibit the playback of media until a specified time. The claimed “current time and start time” are met by “the player 40 includes an internal clock 45 in FIG. 3b generating date as well as time indicative signals. The signals are fed to the comparator 46 which compares the same to the date and time stamp from the media 16 and allows reading the media 16 only after a match is detected” (McPherson et al. 3:65-67; 4:1-3). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. synchronized playback with the McPherson et al. simultaneous release time for the

purpose of allowing multiple users to acquire the media prior to a simultaneous playback session and further providing a means for the playback devices to begin simultaneous playback of a movie at the beginning of the movie. The claimed "storing a command in memory if any portion of the length of the event takes place during a predetermined threshold period" is met by the "...function of transferring events is performed by transport control logic...sequence number allows each event to be processed by each participant in the order that the action was specified...Each data structure contains a data field that is associated with a user defined action that is applied by playback engine 110" (Kinney et al. 5:36-51) wherein the storing the playback functions, events, is inherent to the processing, in order, the playback function data structures. Also note the Kinney et al. reference is silent as to determining an end time and determining a program duration. Now note the Swix et al. reference that discloses a method and system for providing interactive media VCR control. The claimed "end time" is met by "...the present invention establishes a viewing time window in which a subscriber can watch an ordered program, enables the subscriber to freely pause, rewind, and fast-forward the program so long as the end of the program does not exceed the end of the window" (Swix et al. 3:60-67) and the claimed "calculating a length" is met by service provider determines the appropriate multiplier for calculation of a viewing time window (Swix et al. 4:46-52), the end time. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. transmitted timing information associated with the joining of a simultaneous play back session with the Swix et al. end time for the purpose of preventing the program from ending beyond the viewing time window to ensure that viewing of a program can be completed within a designated time.

As to claim 2, please see rejection of claim 1.

As to claim 3, the claimed “wherein the command is adapted to automatically begin playing back the event at the start time”, please see the rejection of claim 1. The claimed “and the event is stored in a memory of the client apparatus” is met by “...movie data can be downloaded to a media file 115 via the communication channel 160. Alternatively, the movie data can be distributed to the remote locations via a floppy disk, CD ROM, etc.” (Kinney et al. 3:54-57).

As to claims 4-6, the claimed “memory includes a digital video disc (DVD). The Kinney et al. reference discloses media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53). However, the Kinney et al. reference does not specifically disclose a digital video disc (DVD). Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to distribute media using digital video discs for the purpose of providing higher quality images and a medium capable of storing large quantities of data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. media file accordingly for the stated advantages. The claimed “further comprising the step of storing chapter information.” The Kinney et al. reference also discloses “seek event” includes a tag that indicates that a participant wants to advance to a specific frame within the movie (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including chapter information associated with the DVD. Nevertheless, the examiner gives

Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages.

As to claims 7-18, please see rejections of claims 1-6 respectively, where the Kinney et al. reference discloses it should be understood that embodiments of the present invention can be implemented in hardware, software or a combination thereof. In such embodiments, the various components and steps are implemented in hardware and/or software to perform the functions of the present invention (Kinney et al. 6:47-51).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Roberts et al. reference (US 6,154,773) discloses the network delivery of interactive entertainment complementing audio recordings.

The Mages et al. reference (US 6,035,329) discloses a method of securing the playback of a dvd-rom via triggering data sent via a cable network.

The Bhola et al. reference (US 6,321,252 B1) discloses a system and method for data streaming and synchronization in multimedia groupware applications.

The Andrew et al. reference (US 2002/0073152 A1) discloses shared views for browsing content.

The Guido et al. reference (US 5,924,013) discloses a method and apparatus for transmitting motion picture cinematic information for viewing in movie theaters and ordering method therefor.

The Watkins reference (US 6,341,375 B1) discloses a video on demand dvd system.

The Zigmond et al. reference (US 6,698,020 B1) discloses techniques for intelligent video ad insertion.

The Blackketter et al. reference (US 6,415,438 B1) discloses a trigger having a time attribute.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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